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Information Advice and Support Kent

A service for Special Educational Needs and Disabilities
Helping you to make informed choices



Education, Health and Care Needs Assessment

Education, Health and Care Needs Assessment

Children and young people progress at different rates and learn in different ways; some will understand and remember well if they talk about something or read about it; others learn best by 'doing'.

Through 'differentiation' of the curriculum, a child or young person who is making slow progress can be helped to reach their full potential. Differentiation means that teachers will use different learning styles, materials and resources to suit the individual's way of learning. The potential of one child or young person will be different from another.

Most children and young people's special educational needs and disabilities can be met effectively in mainstream education via SEN Support. In a small number of cases, where a child or young person's needs are significant and complex, the **Local Authority (LA)** may need to carry out an **Education, Health and Care (EHC)** needs assessment, and then consider whether or not to issue an Education, Health and Care plan (EHC plan).

An EHC needs assessment will not always lead to an EHC plan. The information gathered during an assessment may indicate ways in which the education setting can meet the child or young person's needs, without the need for any special educational needs provision through an EHC plan.

EHC needs assessment for children in early years settings, at school or post-16 provider.

This information is about Education, Health and Care needs assessment, sometimes called statutory assessment, for:

- children in early years settings
- children of school age
- Young people.

You might also like to look at our information leaflet on [Education, Health and Care plans](#).

What is an EHC needs assessment?

An EHC needs assessment is a detailed look at a child's or young person's special educational needs (SEN) and the support he or she may need in order to learn.

Local authorities are responsible for carrying out EHC needs assessments under the [Children and Families Act 2014](#).

The needs assessment brings together information about:

- what the child/young person can and cannot do
- the special help they need.
-

It includes information from:

- you
- child/young person
- the early years' setting, school or post-16 provider
- other professionals who work with or support the child/young person
- The assessment is to see if the child/young person needs an Education, Health and Care plan (EHC plan).

When is an EHC needs assessment necessary?

The early years setting, school or college can often give your child help through **SEN Support** (see our leaflet **[SEN Support in mainstream schools](#)**). This means that the educational setting makes additional or different provision to meet their needs. Sometimes other professionals will give advice or support to help your child learn.

Some children and young people need more intensive and specialist help. If your child does not make progress despite the SEN support an EHC needs assessment might be the next step.

The **[SEND Code of Practice](#)*** says:

In considering whether an EHC needs assessment is necessary, the local authority should consider whether there is evidence that despite the early years provider, school or post-16 institution having taken relevant and purposeful action to identify, assess and meet the special educational needs of the child or young person, the child or young person has not made expected progress. (9.14)

The local authority will look at:

- your child's attainments and rate of progress
- their special educational needs
- what has already been done
- the difference that support has made
- your child's physical, emotional and social development and health needs.

The **SEND Code of Practice*** says:

A local authority must conduct an assessment of education, health and care needs when it considers that it may be necessary for special educational provision to be made for the child or young person in accordance with an EHC plan. (9.3)

Some children and young people will have needs that clearly require an EHC needs assessment and EHC plan. Once the local authority is aware that this is the case it should start the process without delay.

You can find out more about the criteria that local authorities should follow in the **SEND Code of Practice*** sections 9.3 and 9.14 to 9.16.

Who can ask for an EHC needs assessment?

- parents
- a young person age 16 over compulsory school age, but under the age of 25
- the early years setting, school or post-16 provider, but only after talking with you first.

It is always a good idea to talk to the early years setting, school or post-16 provider before asking for an EHC needs assessment.

Other people, such as your doctor or a health visitor, can tell the local authority that they think your child needs an assessment.

If you are making the request for an EHC needs assessment you can write or e-mail to one of the SEN area teams below:

Who to send your request to:

<p>North Kent <i>(For residents of Sevenoaks / Dartford / Gravesham)</i></p> <p>Joynes House Ground Floor New Road Gravesend DA11 0AT</p> <p>SENNorth@kent.gov.uk</p>	<p>West Kent <i>(For residents of Tonbridge and Malling / Maidstone / Tunbridge Wells)</i></p> <p>Worrall House 30 Kings Hill Avenue West Malling ME19 4AE</p> <p>SENWest@kent.gov.uk</p>
<p>South Kent <i>(For residents of Ashford / Shepway / Dover)</i></p> <p>Kroner House Eurogate Business Park Ashford TN24 8XU</p> <p>SENSouth@kent.gov.uk</p>	<p>East Kent <i>(For residents of Canterbury / Swale / Thanet)</i></p> <p>Brook House John Wilson Business Park Reeves Way Chestfield Whitstable, CT5 3SS</p> <p>SENEast@kent.gov.uk</p>

Please see example letter below or contact our helpline for help with this.

<i>Parent/Young Person's Name</i> <i>Address</i>
SEN Assessment and Placement Team <i>Insert the address of your area office</i>
<i>Date</i> Dear Sir/Madam
<i>Name of Child/Young Person</i> <i>Date of Birth</i> <i>Name of Education Provider</i>
I am writing to request that the Local Authority carry out an Education, Health and Care (EHC) Needs Assessment under section 36(1) in Part 3 of the Children and Families Act 2014. <i>(Add a description of the special educational needs/difficulties – including diagnosis if relevant and past history)</i>
Currently the support/intervention being given is ... <i>(list/describe what support is being received i.e. SEN Support, details of any Local Inclusion Forum Team (LIFT) recommendations, adjustments the school have made.)</i>
I believe that, despite this level of intervention more support is needed than the school is able to provide. <i>(explain what impact the support has had or what difference it has made and why you feel this is not enough, e.g. 'not making adequate progress and what areas need more targeted help or a different kind of support.)</i>
I therefore feel that an EHC Plan is necessary in order for the right provision to be in place to meet the special educational needs as described above. <i>Explain what your views, wishes and feelings are.</i>
Below is a list of all the agencies/professionals and their specific area of involvement: <i>Insert names, addresses, and contact details.</i>
<i>(Enclose copies of reports – you can choose to do this now or when you hear back from the Local Authority.)</i>
I look forward to hearing from you.
Yours faithfully <i>Your name</i>

What happens when the local authority gets a request for an EHC needs assessment?

As soon as the local authority receives your request for an EHC needs assessment, you will be sent a form for you to put forward your views (we can support if required).

NOTE: If you haven't already done so, please send **copies** of reports from professionals that you would like the LA to consider; e.g. letters from education staff/teachers, educational psychologist, health professionals.

The **SEND Code of Practice*** says:

In considering whether an EHC needs assessment is necessary, local authorities should pay particular attention to the views, wishes and feelings of the child and his or her parent, or the young person. (9.12)

The local authority has up to six weeks to decide whether to make an EHC needs assessment. During this time the local authority may ask you, the school and other professionals for information. The local authority must then tell you whether they have decided:

to start the EHC needs assessment immediately **OR** that an EHC needs assessment is not necessary.

What happens if the local authority decides that an EHC needs assessment is not necessary?

The local authority **must** tell you why it thinks that an EHC needs assessment is not needed. It **must** also tell you about:

- your right of appeal
- independent **disagreement resolution** and **mediation**

- how to get further information, advice or support. If you disagree with the decision, we can explain your options to you.

What happens if the EHC needs assessment goes ahead?

The **SEND Code of Practice*** says:

Local authorities must consult the child and the child's parent or the young person throughout the process of assessment and production of an EHC plan. They should also involve the child as far as possible in this process. The needs of the individual child and young person should sit at the heart of the assessment and planning process. (9.21)

The local authority will ask a number of other people for information about your child. This is called 'advice' and it should include information about:

- child/young person's education, health and care needs
- the desired **outcomes** for the child/young person
- the special educational, health and care provision that might be required to meet their needs and achieve the desired outcomes.

The local authority **must** seek advice and information from:

- parents (or the young person)
- early years setting, school or post-16 provider
- an educational psychologist
- health professionals who work with your child. This might include a paediatrician, speech and language therapist, physiotherapist or occupational therapist.
- social care staff
- anyone else **you** ask them to contact who may be able to give relevant advice.

If your child has a vision or hearing impairment the local authority must also seek information and advice from a suitably qualified teacher.

You will receive a copy of all the reports when the needs assessment is finished.

If you want information, advice or support during the EHC needs assessment contact us. This can include having an **Independent Supporter** to help you.

You can find out more about advice and information for EHC needs assessments in the **SEND Code of Practice*** sections 9.45 – 9.52.

What if some of this advice is already available?

Sometimes advice and information is already available because other professionals have been working with your child.

The **SEND Code of Practice*** says:

The local authority must not seek further advice if such advice has already been provided (for any purpose) and the person providing the advice, the local authority and the child's parent or the young person are all satisfied that it is sufficient for the assessment process. In making this decision, the local authority and the person providing the advice should ensure the advice remains current. (9.47)

When does the EHC needs assessment end?

Once the local authority has all the information and advice it must decide whether your child needs an **Education, Health and Care plan**. An EHC plan is a legal document written by the local authority. It describes the special educational needs that a child or young person has and the help that they will be given to meet them. It also includes the health and care provision that is needed. You can read more in our leaflet **[Education, Health and Care Plans](#)**.

Sometimes the local authority will decide that your child has special educational needs that can be met through **SEN support**. If this is the case the local authority must tell you of its decision within **16 weeks** of receiving a request for an EHC needs assessment. The local authority must also tell you about your right of appeal.

If the local authority decides an EHC plan is necessary, it must first write a draft plan. It will send you the draft EHC plan and copies of the reports so that you can read it all. You should check that everything you think is important has been included and that you agree with the outcomes and the proposed provision. The local authority will also ask you which school you would prefer your child to go to.

You have 15 days to make comments, to ask for a meeting or accept the draft plan.

Note that if you do not reply within 15 days the local authority may assume that you agree with the draft plan.

The last stage is for the local authority to send you the final EHC plan. If you are still unhappy with the plan or cannot agree with the local authority on a school, you have a right to go to mediation and/or to appeal (see page 13).

If you need help at any stage, you can contact us.

How long does all this take?

Please see timescales on the next page.

Sometimes the timescale can be different. See SEND Code of Practice section 9.42.

<p>The local authority receives a request for an EHC needs assessment. The authority must tell parents about this request</p>	<p>This is the start date</p>
<p>The local authority decides whether or not to carry out an EHC needs assessment</p>	<p>Within 6 weeks of the start date</p>
<p>The EHC needs assessment takes place</p>	<p>This starts as soon as the decision is made</p>
<p>EITHER The local authority tells the parents of the decision not to issue an EHC plan</p>	<p>Within 16 weeks of the start date</p>
<p>OR The local authority sends a draft EHC plan to parents</p>	
<p>Parents must respond to the draft EHC plan. They can: agree that the draft is accurate. Ask for changes. Ask for a meeting. Parents can also state a preference for an early years/school/post-16 setting</p>	<p>Within 15 days of receiving the draft EHC plan</p>
<p>The local authority consults with the early years/school/post-16 setting</p>	<p>Within 15 days of parents' response to the draft EHC plan</p>
<p>The local authority issues the final EHC plan</p>	<p>Within 20 weeks of the start date</p>

What if I do not agree with the local authority about the EHC needs assessment or the EHC plan?

At any stage you can ask to talk to a member of the local authority's staff. This will usually be the person named in the letter the local authority sends to you when it receives a request for an EHC needs assessment.

We can give you impartial information and advice about the options open to you and support you through the process. This could include help from an **Independent Supporter**.

You also have a right to request independent **disagreement resolution** and, in some circumstances, **mediation**. You can find out more about disagreement resolution and mediation see our leaflet [**What if I do not agree with decisions about SEN provision**](#) and in the **SEND Code of Practice*** Chapter 9.

Where can I get more information, advice or support?

You can read about Education, Health and Care needs assessments in the **SEND Code of Practice*** Chapter 9.

The **KCC SEND Local Offer** includes more information on the local arrangements for EHC needs assessments.

IASK can give you:

- information about EHC needs assessments
- advice and support during the process of assessment
- details of the local arrangements for **Independent Support**
- details of other organisations, support groups and services that may be of help
- information, advice and support about your rights to make a complaint, seek independent **disagreement resolution** or **mediation**.

* **SEND Code of Practice** link:

www.gov.uk/government/uploads/system/uploads/attachment_data/file/342440/SEND_Code_of_Practice_approved_by_Parliament_29.07.14.pdf

On request, this information can be provided in alternative formats.

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